UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,134	11/19/2001	Richard Detweiler	EXTS113	6960

7590 08/25/2005	**EXAMINER**
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ART UNIT	PAPER NUMBER
2135	

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DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/075,134	DETWEILER ET AL.
	Examiner	Art Unit	
	Tom Gyorfi	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 July 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,10-12,15,17-23,26-28,31,47 and 48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 10-12, 15, 17-23, 26-28, 31, and 47-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-7, 10-12, 15, 17-23, 26-28, 31, and 47-48 are pending. The

correspondence filed 7/27/05 amended claims 1, 10, 15, 17. 26, and 31.

Response to Arguments

2.   Applicant's arguments filed 7/27/05 have been fully considered but they are not

persuasive.

        Applicant argues, "*With respect to the fourth element listed above, Brown does not teach or*

suggest ascertaining whether a record, pushed to a remote application data store, in its current form has

*already been replicated or deleted in the remote application data store **in order to determine whether***

***the remote application data store will be updated with the pushed record**. Furthermore, with respect*

to the fifth element listed above Brown does not teach or suggest that where it ascertained that the

pushed record has not been replicated or deleted, the remote application data store is updated with the

*pushed record and **the pushed record is identified within the remote application store as having***

***been pushed from the local application data store to the remote application data store**.*"

Examiner disagrees with this contention. Note that the invention disclosed by Brown is

capable of making a determination as to whether a particular file has been updated on

the server through the use of metadata, and that if the file has been updated on the

client, it initiates a process to push it back to the remote application store (paragraph

0071). As the invention disclosed by Brown is primarily concerned with the specifics of

the synchronization process in the event the file has changed, it is readily apparent that

the trivial step of taking no action on an unchanged file is inherent to the Brown

disclosure. Even were that not so, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to include it, as doing so would save

bandwidth by not requiring any data to be sent to update a file that is known to be

unchanged on the server.

The remainder of Applicant's arguments are rebutted in a similar manner as

discussed above.

Claim Rejections - 35 USC § 102

3.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

4.   Claims 1-7, 10-12, 15, 17-23, 26-28, 31, and 47-48 are rejected under 35

U.S.C. 102(e) as being anticipated by Brown et al. (U.S. Pre-grant Publication

2002/0174180).

Referring to Claims 1 and 17:

Brown discloses a coordinated push synchronization method, comprising the

acts of:

detecting changes to a local application data store (paragraph 0056-0057);

identifying a record affected by a detected change (paragraph 0057);

pushing the identified record to a remote application data store (paragraph 0057);

ascertaining whether the pushed record, in its current form as affected by the

detected change, has already been replicated or deleted in the remote application data

store in order to determine whether the remote application data store will be updated

with the pushed record; if not, updating the remote application data store with the

pushed record (paragraphs 0071 and 0080-0083); and

identifying the pushed record in the remote application data store as a pushed

record (paragraph 0066) and identifying the pushed record in the remote application

data store as having been pushed from the local application data store to the remote

application data store, otherwise ignoring the pushed record (paragraph 0071).

Referring to Claims 5 and 21:

Brown discloses a coordinated user-initiated synchronization method, comprising

the acts of:

detecting changes to a local application data store (paragraph 0040);

identifying a record affected by a detected change (paragraph 0041-0043);

ascertaining whether the identified record, in its current form as affected by the

detected change, was pushed to the local application data store (paragraph 0040); and

if not, synchronizing the remote application data store with the local application

data store (paragraph 0040).

Referring to Claims 10 and 26:

Brown discloses a coordinated push and user-initiated synchronization method,

comprising:

detecting changes to a local application data store (paragraph 0040);

identifying a first record in the local application data store affected by a detected

change (paragraph 0041-0043);

pushing the first record to a remote application data store (paragraph 0040);

ascertaining whether the identified pushed record, in its current form as affected

by the detected change, has already been replicated in or deleted the remote

application data store and, if not, updating the remote application data store with the

pushed record (paragraph 0040);

detecting changes to the remote application data store (paragraph 0057);

identifying a second record in the remote application data store affected by a

detected change (paragraph 0057);

ascertaining whether the second record, in its current form as affected by the

detected change, has already been pushed into the remote application data store in

order to determine whether the remote application data store will be updated with the

pushed record and, if not, synchronizing the remote application data store with the local

application data store, otherwise ignoring the pushed record (paragraphs 0071-0083).

Referring to Claims 2 and 18:

Brown discloses the limitations of Claims 1 and 17 above. Brown further

discloses wherein the act of ascertaining includes comparing a local change counter

associated with the pushed record in the local application data store with a remote

change counter associated with a corresponding record in the remote application data

store (paragraph 0079).

Referring to Claims 3, 7, 19 and 23:

Brown discloses the limitation of Claims 1, 5, 17 and 21 above. Brown further

discloses, wherein the act of pushing the identified record comprises:

if the identified record has been detected as being new, pushing a replica of the

identified record with instructions to save the replica in the remote application data store

(paragraph 0080);

if the identified record has been detected as being modified, pushing a replica of

the identified record with instruction to save the replica in the remote application data

store replacing a prior version of the record (paragraph 0082); and

if the identified record has been detected as being deleted, pushing instructions

to delete a prior version of the identified contained in the remote application data store

(paragraph 0081).

Referring to Claims 4 and 20:

Brown discloses the limitation of Claims 1 and 17 above. Brown further

discloses, wherein the act of identifying the pushed record in the remote application

data store as a pushed record comprises associating an indicator with the pushed

record identifying the pushed record in the remote application data store as a pushed

record (paragraph 0066).

Referring to Claims 6 and 22:

Brown discloses the limitation of Claims 5 and 21 above. Brown further

discloses, wherein the act of ascertaining includes examining an indicator associated

with a pushed record identifying the pushed record in the remote application data store

as a pushed record (paragraph 0066).

Referring to Claims 11 and 27:

Brown discloses the limitation of Claims 10 and 26 above. Brown further

discloses, wherein the act of ascertaining whether the pushed record has been

replicated in or deleted from a the remote application data store includes comparing a

local change counter associated with the pushed record in the local application data

store with a remote change counter associated with a corresponding record in the

remote application data store (paragraph 0079-83).

Referring to Claims 12 and 28:

Brown discloses the limitation of Claims 10 and 26 above. Brown further

discloses, wherein the act of ascertaining whether the pushed record has been

replicated in or deleted from the remote application data store includes examining an

indicator associated with the pushed record identifying the pushed record in the remote

application data store as a pushed record (paragraph 0066).

Referring to Claims 15 and 31:

Brown discloses the limitation of Claims 10 and 26 above. Brown further

discloses, after updating the remote application data store with the pushed record,

identifying the pushed record in the remote application data store, as having been

pushed from the local application data store to the remote application data store

(paragraphs 0066 and 0071).

Referring to Claim 47:

Brown discloses the limitation of Claim 4 above. Brown further discloses, wherein

the act of associating comprises setting a coordination flag for the pushed record

(paragraph 0066).

Referring to Claim 48:

Brown discloses the limitation of Claim 6 above. Brown further discloses,

wherein the Indicator comprises a coordination flag, a set coordination flag indicating

that a record is a pushed record and a reset coordination flag indicating that the record

is not a pushed record (paragraph 0066).

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period.for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849.

The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

TAG
8/9/05

Primary Examiner
Art Unit 2135